



**PATENT**

Attorney Docket No.: A-68970-2/RMS/DCF/NHT

Attorney File No.: 469249-404

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

*In re* application of:

FAN et al.

Serial No.: 10/759,576

Filing Date: January 16, 2004

For: *Parallel Genotyping of Multiple  
Patient Samples*

Examiner: Not Yet Assigned

Art Unit: 1645

CERTIFICATE OF MAILING

I hereby certify that this correspondence, including listed enclosures, is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450:

Dated: May 5, 2004

Signed: 

Brent Yonehara

**INFORMATION DISCLOSURE STATEMENT  
AND  
STATEMENT OF RELATEDNESS**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

In satisfaction of the duty of disclosure under 37 C.F.R. § 1.56, and in accordance with the provisions of 37 C.F.R. §§ 1.97 and 1.98, Applicants wish to draw the attention of the U.S. Patent and Trademark Office to the references cited on the accompanying form PTO/SB/8A. In accordance with 1273 Off. Gaz. Pat. Off. 1, 8/5/2003, no copies of U.S. patents and U.S. published applications are enclosed. Copies of all other references are enclosed.

Further, this application is a divisional of the following related U.S. Application – Serial No. 09/785,514, filed February 16, 2001 (pending). Applicant wishes to draw the attention of the U.S. Patent and Trademark Office to the references cited on the accompanying substitute for form PTO-1449 marked with an asterisk (\*). Since these references were previously disclosed in

Serial No.: 10/759,576  
Filing Date: January 16, 2004

the above-mentioned application in accordance with 37 C.F.R. § 1.98(d), no copies of these references are enclosed.

Further, in satisfaction of the duty of disclosure under 37 C.F.R. § 1.56, and as required by M.P.E.P. § 2001.06(b), Applicant notes that the present application is related to the following pending patent applications:

1. U.S.S.N. 09/785,514, filed February 16, 2001;
2. U.S.S.N. 08/944,850, filed October 6, 1997; U.S.S.N. 09/287,573, filed April 6, 1999; U.S.S.N. 10/398,157, filed April 1, 2003;
3. U.S.S.N. 09/816,651, filed March 26, 2001; U.S.S.N. 09/840,012, filed April 20, 2001; U.S.S.N. 09/925,292, filed August 8, 2001;
4. U.S.S.N. 09/189,543, filed November 10, 1998; U.S.S.N. 09/344,526, filed June 24, 1999; U.S.S.N. 09/748,706, filed December 22, 2000; U.S.S.N. 10/187,321, filed June 28, 2002;

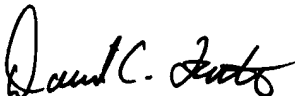
Serial No.: 10/759,576  
Filing Date: January 16, 2004

Nothing herein shall constitute an admission concerning the contents of any of the cited references, nor shall the inclusion of a reference herein be considered an admission that the reference constitutes prior art against the invention claimed in the above-identified application. Submission of the present document shall not be construed as an admission that a search has been made or that better art does not exist.

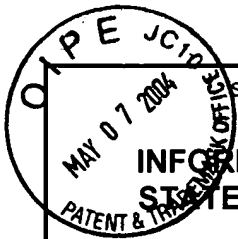
As far as is known to the undersigned, this Information Disclosure Statement is being filed within three months of the filing date of a national application, within three months of the date of entry of the national state in an international application, or before the mailing date of a first Office Action on the merits as set forth in 37 C.F.R. § 1.97(b), and therefore no fee is required. While no further fee is believed to be due, if this belief is in error, the Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-2319 (Our Order No. 469249-404 (A-68970-2/RMS/DCF/NHT)).

Respectfully submitted,  
DORSEY & WHITNEY LLP

Dated: May 4, 2004  
**Customer Number: 32940**  
Dorsey & Whitney LLP  
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By:   
David C. Foster, Reg. No. 44,685 for  
Robin M. Silva, Reg. No. 38,304

Attachments : Form PTO/SB/8A, Substitute for form 1449  
22 cited references  
Return Postcard



Substitute for form 1449A/PTO  
(Modified)

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

## Complete if Known

Application Number	10/759,576
Filing Date	January 16, 2004
First Named Inventor	FAN, Jian-Bing
Art Unit	1645
Examiner Name	To be assigned
Attorney Docket Number	A-68970-2/RMS/DCF/NHT (469249-00404)

Sheet 1 of 7

## U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	A1 *	4,200,110	04-29-1980	Peterson et al.	
	A2 *	4,499,052	02-12-1985	Fulwyler	
	A3 *	4,682,895	07-28-1987	Costello	
	A4 *	4,785,814	11-22-1988	Kane	
	A5 *	4,822,746	04-18-1989	Walt	
	A6 *	4,824,789	04-25-1989	Yafuso et al.	
	A7 *	4,999,306	03-12-1991	Yafuso et al.	
	A8 *	5,002,867	03-26-1991	Macewicz	
	A9 *	5,026,599	06-25-1991	Koskenmaki	
	A10 *	5,028,545	07-02-1991	Soini	
	A11 *	5,105,305	04-14-1992	Betzig et al.	
	A12 *	5,114,864	05-19-1992	Walt	
	A13 *	5,132,242	07-21-1992	Cheung	
	A14 *	5,143,853	09-01-1992	Walt	
	A15 *	5,185,243	02-09-1993	Ullman et al.	
	A16 *	5,194,300	03-16-1993	Cheung	
	A17 *	5,202,231	04-13-1993	Drmanac et al.	
	A18 *	5,244,636	09-14-1993	Walt et al.	
	A19 *	5,244,813	09-14-1993	Walt et al.	
	A20 *	5,250,264	10-05-1993	Walt et al.	
	A21 *	5,252,494	10-12-1993	Walt	
	A22 *	5,254,477	10-19-1993	Walt	
	A23 *	5,298,741	03-29-1994	Walt et al.	
	A24 *	5,302,509	04-12-1994	Cheeseman	
	A25 *	5,320,814	06-14-1994	Walt et al.	
	A26 *	5,357,590	10-18-1994	Auracher	
	A27 *	5,380,489	01-10-1995	Sutton et al.	
	A28 *	5,435,724	07-25-1995	Goodman et al.	
	A29 *	5,474,895	12-12-1995	Ishii et al.	
	A30 *	5,481,629	01-02-1996	Tabuchi	
	A31 *	5,494,798	02-27-1996	Gerd et al.	
	A32 *	5,494,810	02-27-1996	Barany et al.	
	A33 *	5,496,997	03-05-1996	Pope	
	A34 *	5,512,490	04-30-1996	Walt et al.	
	A35 *	5,516,635	05-16-1996	Ekins et al.	

Examiner Signature	Date Considered
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<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English Language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the complete application form to the USPTO. Time will vary depending on the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and selection option 2

Substitute for form 1449A/PTO (Modified)  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)			<b>Complete if Known</b>		
			Application Number	10759,576	
			Filing Date	January 16, 2004	
			First Named Inventor	FAN, Jian-Bing	
			Art Unit	1645	
			Examiner Name	To be assigned	
Sheet	2	of	7	Attorney Docket Number	A-68970-2/RMS/DCF/NHT (469249-00404)

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	A36 *	5,518,883	05-21-1996	Soini	
	A37	5,525,464	06-11-1996	Drmanac et al.	
	A38 *	5,537,000	07-16-1996	Alivisatos et al.	
	A39	5,541,311	07-30-1996	Dahlberg et al.	
	A40 *	5,565,324	10-15-1996	Still et al.	
	A41	5,573,907	11-12-1996	Carrino et al.	
	A42 *	5,573,909	11-12-1996	Singer et al.	
	A43 *	5,575,849	11-19-1996	Honda et al.	
	A44 *	5,604,097	02-18-1997	Brenner	
	A45	5,614,402	03-25-1997	Dahlberg et al.	
	A46 *	5,632,957	05-27-1997	Heller et al.	
	A47 *	5,633,972	05-27-1997	Walt et al.	
	A48 *	5,639,603	06-17-1997	Dower et al.	
	A49 *	5,656,241	08-12-1997	Seifert et al.	
	A50 *	5,679,524	10-21-1997	Nikiforov et al.	
	A51 *	5,690,894	11-25-1997	Pinkel et al.	
	A52	5,695,940	12-09-1997	Drmanac et al.	
	A53	5,719,028	02-17-1998	Dahlberg et al.	
	A54 *	5,763,175	06-09-1998	Brenner	
	A55 *	5,795,714	08-18-1998	Cantor et al.	
	A56 *	5,814,524	09-29-1998	Walt et al.	
	A57 *	5,830,711	11-03-1998	Barany et al.	
	A58 *	5,840,256	11-24-1998	Demers et al.	
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	A60 *	5,846,719	12-08-1998	Brenner et al.	
	A61 *	5,854,684	12-29-1998	Stabile et al.	
	A62 *	5,856,083	01-05-1999	Chelsky et al.	
	A63 *	5,858,732	01-12-1999	Solomon et al.	
	A64 *	5,863,708	01-26-1999	Zanzucchi et al.	
	A65 *	5,888,885	03-30-1999	Xie	
	A66 *	5,976,797	11-02-1999	Mitsubishi	
	A67 *	6,013,456 B1	01-11-2000	Akhavan-Tafti	
	A68 *	6,023,540	02-08-2000	Walt et al.	
	A69 *	6,027,889 B1	02-22-2000	Barany et al.	
	A70 *	6,051,380	04-18-2000	Sosnowski et al.	

Examiner Signature	Date Considered
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	A71 *	6,054,564	04-25-2000	Barnany et al.	
	A72 *	6,083,763	07-04-2000	Balch	
	A73 *	6,096,496	08-01-2000	Frankel	
	A74 *	6,110,678 B1	08-29-2000	Weisburg et al.	
	A75 *	6,172,218 B1	01-09-2001	Brenner	
	A76 *	6,251,639 B1	06-26-2001	Kurn	
	A77	6,266,459 B1	07-24-2001	Walt et al.	
	A78 *	6,268,147 B1	07-31-2001	Beattie et al.	
	A79 *	6,268,148 B1	07-31-2001	Barany et al.	
	A80 *	6,274,323 B1	08-14-2001	Bruchez et al.	
	A81 *	6,284,465 B1	09-04-2001	Wolber	
	A82 *	6,327,410 B1	12-04-2001	Walt et al.	
	A83 *	6,355,431 B1	03-12-2002	Chee et al.	
	A84 *	6,429,027 B1	08-06-2002	Chee	
	A85	6,544,732 B1	04-08-2003	Chee	
	A86	2002/0150909 A1	10-17-2002	Stuelpnagel	
	A87	2002/0051971 A1	05-02-2002	Stuelpnagel et al.	
	A88	2001/0029049 A1	10-11-2001	Walt	

FOREIGN PATENT DOCUMENTS						
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	B1 *	EP 0 269 764 B1	08-06-1988	Molecular Biosystems, Inc.		
	B2	EP 0 317 074 B1	05-24-1989	Orion Yhtymäe Oy		
	B3	EP 0 320 308 B1	06-14-1989	Bioteknika International		
	B4	EP 0 336 731 B1	10-11-1989	City of Hope		
	B5	EP 0 371 437 B1	06-06-1990	Orion Yhtymäe Oy		
	B6 *	EP 0 392 546 B1	10-17-1990	Ro Institut Za Molekularnu Genetik Inzenjerstvo		
	B7	EP 0 439 182 B1	07-31-1990	Abbott Laboratories		
	B8 *	EP 0 478 319 B1	04-10-1992	Tokyo Shibaura Electric Co.		
	B9 *	EP 0 723 146 B1	07-24-1996	SRI International		
	B10	WO 89/09835 A1	10-19-1989	The Salk Institute for Biological Studies		

Examiner Signature	Date Considered
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<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English Language Translation is attached.

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<p>Substitute for form 1449A/PTO (Modified)</p> <p><b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b></p> <p>(use as many sheets as necessary)</p>			<b>Complete if Known</b>		
			Application Number	10/759,576	
			Filing Date	January 16, 2004	
			First Named Inventor	FAN, Jian-Bing	
			Art Unit	1645	
			Examiner Name	To be assigned	
Sheet	4	of	7	Attorney Docket Number	A-68970-2/RMS/DCF/NHT (469249-00404)

FOREIGN PATENT DOCUMENTS						
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	B11 *	WO 89/11101 A1	11-16-1989	Dynal AS		
	B12	WO 89/12696 A1	12-28-1989	Amgen Inc.		
	B13	WO 90/01069 A1	02-08-1990	Segev Diagnostics, Inc.		
	B14	WO 91/13075 A2	09-05-1991	Orion Yhtymäe Oy		
	B15	WO 92/15712 A1	12-21-1992	Molecular Tool, Inc.		
	B16 *	WO 93/02360 A1	02-04-1993	Transmed Biotech, Inc.		
	B17 *	WO 93/25563 A1	12-23-1993	City of Hope		
	B18 *	WO 94/02515 A1	02-03-1994	Bunsen Rush Laboratories Inc.		
	B19 *	WO 95/16918 A1	06-22-1995	Combichem Inc.		
	B20 *	WO 95/21271 A1	08-10-1995	Molecular Tool, Inc.		
	B21 *	WO 96/03212	02-08-1996	Brenner, Sydney		
	B22 *	WO 96/15271 A1	05-23-1996	Abbott Laboratories, Inc.		
	B23 *	WO 97/14028 A2/A3	04-17-1997	Luminex Corporation		
	B24	WO 97/31256 A2/A3	08-28-1997	Cornell Research Foundation		
	B25 *	WO 97/40385 A1	10-30-1997	Seul, Michael		
	B26 *	WO 97/45559 A1	12-04-1997	Cornell Research Foundation		
	B27 *	WO 97/46704 A1	12-11-1997	Lynx Therapeutics, Inc.		
	B28 *	WO 98/04746 A1	02-05-1998	Mt. Sinai School of Medicine of the City University of New York		
	B29	WO 98/05025 A1	02-05-1998	Airpoint Corporation		
	B30 *	WO 98/13523 A1	04-02-1998	Pyrose-Quencing AB		
	B31	WO 98/21193 A1	05-22-1998	Nicox SA		
	B32 *	WO 98/31836 A1	07-23-1998	Hyseq Inc.		
	B33 *	WO 98/40726 A1	09-17-1998	Trustees of Tufts College		
	B34 *	WO 98/50782 A2/A3	11-12-1998	Trustees of Tufts College		
	B35 *	WO 98/53093 A1	11-26-1998	Bioarray Solutions, LLC		
	B36 *	WO 98/53300 A2/A3	11-26-1998	Lynx Therapeutics, Inc.		
	B37	WO 99/14387 A1	03-25-1999	Engelhard-Clal UK Ltd.		
	B38 *	WO 99/18434	04-15-1999	Tustees of Tufts College		
	B39 *	WO 99/39001 A2	08-05-1999	Amersham Pharmacia Biotech AB		

Examiner Signature	Date Considered
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Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document Country Code <sup>2</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
	B40 *	WO 96/30392 A1	10-03-1999	Ciba-Geigy AG		
	B41 *	WO 99/60170 A1	11-25-1999	Hyseq, Inc.		
	B42 *	WO 99/64867 A1 /	12-16-1999	Amersham Pharmacia Biotech UK Ltd.		
	B43 *	WO 99/67414 A1	12-29-1999	Glaxo Group Ltd.		
	B44 *	WO 99/67641 A2	12-29-1999	Illumina, Inc.		
	B45 *	WO 00/04372 A1	01-27-2000	The Board of Regents of the University of Texas		
	B46 *	WO 00/13004 A2/A3	03-09-2000	Trustees of Tufts College		
	B47 *	WO 00/16101A2/A3	03-23-2000	Trustees of Tufts College		
	B48 *	WO 00/39587 A1	07-06-2000	Illumina, Inc.		
	B49 *	WO 00/47996 A2	08-17-2000	Illumina, Inc.		
	B50 *	WO 00/58516 A2	10-05-2000	Whitehead Institute for Biomedical Research		
	B51 *	WO 00/63437 A2	10-26-2000	Illumina, Inc.		
	B52 *	WO 00/71992 A1	11-30-2000	Illumina, Inc.		
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	B54 *	WO 00/75373 A2	12-14-2000	Illumina, Inc.		

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Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			
	C1 *	ABEL, A.P., et al., "Fiber-optic evanescent wave biosensor for the detection of ligonucleotides," <i>Anal. Chem.</i> 68(17):2905-2912 (Sep. 1996).			
	C2	ABRAMSON, R., et al., "Nucleic acid amplification technologies," <i>Curr. Opin. Biotechnol.</i> 4(1):41-47 (Feb. 1993).			
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	C5 *	BANER, J., et al., "Signal amplification of padlock probes by rolling circle replication," <i>Nucleic Acids Res.</i> 26(22):5073-5078 (1998).			
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	C7 *	BARNARD, S.M., et al., "A Fibre-Optic Chemical Sensor with Discrete Sensing Sites," <i>Nature</i> 353:338-340 (Sep. 1991).			

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			Application Number	10/759,576	
			Filing Date	January 16, 2004	
			First Named Inventor	FAN, Jian-Bing	
			Art Unit	1645	
			Examiner Name	To be assigned	
Sheet	6	of	7	Attorney Docket Number	A-68970-2/RMS/DCF/NHT (469249-00404)

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Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		† <sup>6</sup>
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	C10 *	CZARNIK, A., "Illuminating the SNP genomic code," <i>Mod. Drug Disc.</i> 1(2):49-55 (Nov. 1998).		
	C11	DRMANAC, R., et al., "Sequencing of megabase plus DNA by hybridization: theory of the method," <i>Genomics</i> 4(2):114-128 (Feb. 1989).		
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	C14 *	DRMANAC, R., et al., "Sequencing by Hybridization," <i>Automated DNA Sequencing and Analysis</i> , M. Adams, et al. (eds.) (1994).		
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	C23	KÖSTER, H., et al., "A strategy for rapid and efficient DNA sequencing by mass spectroscopy," <i>Nat. Biotechnol.</i> 14(9):1123-1128 (Sep. 1996).		
	C24 *	LIZARDI, P., et al., "Mutation detection and single-molecule counting using isothermal rolling-circle amplification," <i>Nat. Genet.</i> 19(3):225-232 (Jul. 1998).		
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	C27 *	MICHAEL, K., et al., "Making sensors out of disarray: optical sensors microarrays," <i>Proc. SPIE</i> 3270:34-41 (1998).		

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	C29 *	MIGNANI, A.G., et al., "In vivo biomedical monitoring by fiber-optic systems," <i>J. Lightwave Technol.</i> 13(7):1396-1406 (1995).		
	C30	NICKERSON, D., et al., "Gene probe assays and their detection," <i>Curr. Opin. Biotechnol.</i> 4(1):48-51 (Feb. 1993).		
	C31 *	PANTANO, P., et al., "Ordered Nanowell Arrays," <i>Chem. Mater.</i> 8(12):2832-2835 (1996).		
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	C38	SCHAFFER, A., et al., "DNA variation and the future of human genetics," <i>Nat. Biotechnol.</i> 16(1):33-39 (Jan. 1998).		
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	C44 *	WALT, D., "Fiber-optic sensors for continuous clinical monitoring," <i>Proc. IEEE</i> 80(6):903-911 (1992).		
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